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[Page 4463-4465]  
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ENVIRONMENTAL PROTECTION AGENCY  
40 CFR Part 63

[AD-FRL-5682-3]

National Emission Standards for Chromium Emissions From Hard and  
Decorative Chromium Electroplating and Chromium Anodizing Tanks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule deadline extension.

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SUMMARY: On January 25, 1995, the EPA issued national emission standards for hazardous air pollutants (NESHAP) under Section 112 of the Clean Air Act as amended by the Clean Air Act Amendments of 1990, for Hard and

[[Page 4464]]

Decorative Chromium Electroplating and Chromium Anodizing Tanks. The NESHAP requires existing and new major and area sources to control emissions of hazardous air pollutants using the maximum achievable control technology (MACT). Today's action revises the compliance date for some of the sources subject to this standard. Specifically, this action extends the monitoring, reporting, and recordkeeping (MRR) requirements for hard chromium electroplaters and chromium anodizing operations in California from a January 25, 1997 compliance deadline to a July 24, 1997 compliance date.

The EPA is promulgating these revisions as an interim final regulation and is requesting comments on the revisions. The revisions will be in effect during the interim period while EPA receives, reviews, and responds to any comments.

DATES: The interim final rule will be effective January 30, 1997. Written comments on this action must be received by EPA at the address below on or before March 3, 1997.

ADDRESSES: Comments should be submitted to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-88-02, Room M-

1500, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The EPA requests that a separate copy also be sent to the contact person listed under FOR FURTHER INFORMATION CONTACT. Comments may also be submitted electronically by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov.

Docket. Docket No. A-88-02 containing the supporting information for the original NESHAP and this action, are available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center, Waterside Mall, room M-1500, first floor, 401 M Street SW., Washington, DC 20460, or by calling (202) 260-7548 or 260-7549. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Lalit Banker, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5420.

#### SUPPLEMENTARY INFORMATION:

Regulated Entities. The regulated category and entities affected by this action include the hard chromium electroplating and chromium anodizing operations in the State of California only. To determine whether your facility is regulated by this action, you should carefully examine the applicability criteria in section 63.340 of the regulation. If you have questions regarding the applicability of this action to a particular entity, consult your State/local agency, EPA regional offices, or Lalit Banker at the number listed in the preceding FOR FURTHER INFORMATION CONTACT section.

#### I. Additional Information

The EPA, in association with the industry participating in the Common Sense Initiative, has undertaken emission test efforts at existing hard chromium electroplating operations to explore the applicability and feasibility of alternative control techniques that could be applied to comply with the rule and that may have significant pollution prevention opportunities and cost savings. The report of this effort has recently been completed and shows considerable promise. The majority of hard chromium sources could make use of this technology but need to carefully explore the applicability of these alternative control techniques to their respective operations. Contact your trade association or Mr. Paul Shapiro of EPA at (202) 260-4969 for further information on this report.

#### II. Basis for Changes to Rule

In accordance with the provisions of the Administrative Procedure Act (APA), EPA is invoking the good cause exception in taking this final action without prior notice and an opportunity for comment. 5

U.S.C. 553(b)(B); *Shell Oil Co. v. EPA*, 950 F.2d 741.752 (DC Cir.1991). The EPA is extending the compliance date for MRR requirements for hard chromium electroplaters and the chromium anodizing sources in California from January 25, 1997, to July 24, 1997, to allow time for the California Air Resources Board (CARB) to establish and get approved MRR requirements for these sources that would be at least as stringent as the Federal NESHAP requirements. The net effect of this compliance extension will be that all the hard chromium electroplaters and the chromium anodizing sources in California that apply add-on emission control devices to reduce chromium emissions would continue to operate as they do now, while complying with the current applicable State/district rules. The Federal NESHAP requires these sources to monitor applicable parameters on and after the date on which the initial performance test is required to be completed, which is July 24, 1997. However, for chromium anodizing sources that use fume suppressants as the control technology, the MRR requirements were effective January 25, 1997, if they choose not to do a performance test (which is allowed).

These sources in California are presently required to comply with California's ``Chrome Plating Air Toxics Control Measure'' (February 1988), which specifies the application of control technology (already in place), that is identical to that required by the Chromium NESHAP. The Chromium NESHAP requires control technology to be installed by January 25, 1997. California has applied for an equivalency determination of its rule under section 112(l) of the CAA, including State MRR requirements. The EPA is not extending the date by which control technology must be installed in this action, only the date by which California sources subject to the rule must meet the Federal MRR requirements. This extension is not considered for similar sources in other States because no other State has a pre-existing State regulation that requires the installation of equivalent control technology by January 25, 1997, nor is any other State seeking an equivalency determination with the Federal rule.

### III. Impacts

The extension on the MRR compliance dates for some sources in California will not have any detrimental environmental effects because there is no delay in installation of control technology; thus, there is no impact on the estimated emissions reduction or the control cost for the rule.

### IV. Public Participation

EPA is issuing this final rule without prior notice and comments. This expedited rulemaking procedure is based on the need to act expeditiously to ensure that subject California sources are not required to meet both the Federal and State MRR requirements on January 25, 1997, provided such sources comply with the State regulations. In support of this action, EPA has contacted and received input from a significant number of interested parties. EPA believes these

circumstances provide good cause under 5 U.S.C. 553(b) and CAA section 307(d)(1) to expedite this rulemaking. EPA finds that notice and comment procedures under section 307(d) are impracticable and contrary to the public interest based on the limited time before January 25, 1997, and the fact that the subject California sources will have installed the requisite controls as required by the Chromium NESHAP.

[[Page 4465]]

At the same time EPA is providing 30 days for submission of public comments. EPA will consider all written comments submitted in the allotted time period to determine if any change to this rule is necessary.

## V. Administrative Requirements

### A. Paperwork Reduction Act

The information collection requirements of the previously promulgated NESHAP were submitted to and approved by the Office of Management and Budget (OMB). A copy of this Information Collection Request (ICR) document (OMB number 1611.02) may be obtained from Sandy Farmer, Information Policy Branch (PM-223Y); U.S. Environmental Protection Agency; 401 M Street, SW; Washington, DC 20460 or by calling (202) 260-2740.

Today's changes to the NESHAP should have no impact on the information collection burden estimates made previously. Today's action merely extends the date of compliance with the MRR requirements in the rule for the existing affected sources in California. These changes do not impose new requirements. Consequently, the ICR has not been revised.

### B. Executive Order 12866 Review

Under Executive Order 12866, the EPA must determine whether the proposed regulatory action is ``significant'' and therefore, subject to OMB review and the requirements of the executive order. The Order defines ``significant'' regulatory action as one that is likely to lead to a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety in State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in

the executive order.

The Chrome Electroplating NESHAP promulgated on January 25, 1995 was determined by OMB to be a ``significant regulatory action'' within the meaning of the Executive Order. For this reason OMB reviewed the final rule as promulgated. However, today's action merely extends for certain sources the compliance deadline for MRR requirements. These changes do not add any additional control requirements or costs. Therefore, this regulatory action does not affect the previous decision and is not considered to be significant.

#### C. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedures Act (APA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ``major rule'' as defined by 5 U.S.C. 804(2) of the APA, as amended.

#### D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under Section 205, the EPA must select the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the action promulgated today does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. Therefore, the requirements of the Unfunded Mandates Reform Act do not apply to this action.

#### List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: January 24, 1997.  
Carol M. Browner,  
Administrator.

For the reasons set out in the preamble, title 40, chapter I, part 63, subpart N, of the Code of Federal Regulations is amended as follows:

PART 63--[AMENDED]

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401, et seq.

Subpart N--National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks

2. Section 63.347 is amended by revising paragraph (e)(4) to read as follows:

Sec. 63.347 Reporting requirements.

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(e) \* \* \*

(4) For sources that are not required to complete a performance test in accordance with Sec. 63.343(b), the notification of compliance status shall be submitted to the Administrator no later than 30 days after the compliance date specified in Sec. 63.343(a), except, the date on which sources in California shall monitor the surface tension of the anodizing bath is extended from January 25, 1997, to July 24, 1997.

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